

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JEREMY JOHNSON, et al.,

Defendants.

Case No. 2:10-cv-02203-MMD-GWF

ORDER


The FTC seeks a stay of all proceedings, except for asset related discovery by the Receiver, due to the lapse in appropriations that resulted in the government “shut down.” The Receiver does not oppose the stay as long as his activities and asset related discovery are permitted to continue. (Dkt. no. 1181.) The Court has reviewed the FTC’s emergency motion to stay, Defendants’ opposition briefs and joinders to the same and the FTC’s reply brief. (Dkt. nos. 1180, 1182, 1183, 1185, 1186, 1187 and 1188.)

The FTC represents that depositions of seven experts are scheduled to commence on October 9, 2013, and be completed by the October 28, 2013, deadline set in the Amended Scheduling Order. The length of the FTC’s requested stay is uncertain because it is dependent on when Congress will restore funding. However, the Court finds that a stay, however brief, will disrupt the remaining expert discovery schedule, which will in turn further delay the current dispositive motion deadline of November 26, 2013. Rescheduling depositions of seven experts will undoubtedly present scheduling and coordination challenges, particularly given the number of parties and counsel

1 involved in this case. Thus, a stay of a few days may result in a delay of a few months.
2 Moreover, the FTC cannot demonstrate that denial of a stay would be prejudicial. The
3 FTC was compelled to seek a stay because of events that were out of its control, and
4 denial of its stay request will not present any adverse effect since the FTC is legally
5 obligated to continue to prosecute this action.

6 In lifting the stay of discovery, the Court emphasized the need for expeditious
7 resolution of this case. Further delay would work to prejudice Defendants as well as
8 consumers, whose interest the FTC seeks to protect. It is therefore ordered that the
9 FTC's Emergency Motion for Stay of All Proceedings due to United States Government
10 Cessation (dkt. no. 1180) is denied.

11 DATED THIS 3rd day of October 2013.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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